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REMARKS

Claims 1-17, 19-21, 23-26 and 29-37 are now pending. Claims 34-37 are added in this amendment.

The Examiner has indicated that claim 30 would be allowable if amended into independent form. Claim 30 has been amended into independent form and should be allowable.

Summary of Rejections

Claims 1-3, 5, 7-13, 15, 17, 19, 25 and 27 were rejected as being anticipated by U.S. Patent No. 5,351,814 to Apps.

Claims 1-5, 7-15, 17, 19, 20, 23, 25, 26 and 28 were rejected as being anticipated by U.S. Patent No. 5,965,300 to Gale.

Claims 27-29, 32 and 33 were rejected as being anticipated by U.S. Patent No 5,335,814 to Hep.

Claims 6, 16 and 24 were rejected as obvious over Gale in view of Apps.

Claim 21 was rejected under as obvious over Gale in view of U.S. Patent No. 5,673,791 to Jamison.

§ 102 rejections

Claim 1 has been rejected as anticipated by Gale or Apps. Applicant has amended independent claim 1 to include the elements of claims 27 and 28. Gale does not anticipate claim 1 because, as the Examiner acknowledged, Gale does not disclose the elements of claim 27, which has been added to claim 1. The Examiner acknowledged that Apps does not disclose the elements of claim 28, now added to claim 1, so claim 1 is not anticipated by Apps.

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The Examiner did not reject claim 1 as anticipated by Hep, but did reject dependent claim 27 -- which depends from claim 1 -- under Hep. Applicant does not believe that the Hep anticipates claim 1. What the Examiner calls "standoff portions" in Hep are not "low profile," as required by claim 1, but are the full height of what the Examiner calls the "divider members." To further clarify this point, Applicant has further amended claim 1 to specify that the standoff portions are shorter than the divider members. Therefore, claim 1 should be allowable.

Applicant has amended independent claim 12 to include the feature of claim 32 -- that "the at least one standoff member protrudes upwardly from the upper surface of the bottom panel and protrudes inwardly toward the container from the divider members." Neither Gale nor Apps disclose this feature, as the Examiner acknowledges (claim 32 is rejected by neither Gale nor Apps). Therefore, amended claim 12 is patentably distinguished over the cited references.

Applicant has amended independent claim 20, which is rejected only over Gale, to include the elements of claim 27, "wherein the floor, first and second pairs of opposed side walls and divider members are all integrally molded as one piece." Gale does not disclose this feature, as the Examiner acknowledges (claim 27 is not rejected over Gale). Therefore, amended claim 20 is patentably distinguished over the cited references.

§ 103 rejections

Claims 6, 16 and 24 were rejected as obvious over Gale in view of Apps. Gale discloses a cardboard box with cardboard inserts. Apps discloses a molded plastic crate. There is no motivation or suggestion offered by the Examiner in either Apps or Gale as to how projections could be added to the cardboard lid of Gale, or how projection-receiving portions could be formed on the underside of the bottom of Gale. Therefore, claims 6, 16 and 24 are not obvious.

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Claim 21 was rejected as obvious over Gale in view of Jamison. Again, Gale discloses a cardboard box. Jamison discloses a plastic container. There would be no motivation or suggestion for adding a lid lock to a cardboard box, such as Gale. There is no suggestion for locking a cardboard box or how one would implement a lock such as is disclosed in Jamison in a cardboard box like Gale. It certainly would not be obvious to do so, or how to do so. Therefore, claim 21 is not obvious.

New claims

Claims 34-38 are added by amendment. Independent claim 34 recites that the standoff portions are shorter than the divider members, so claim 34 is patentable over Hep. Claim 34 further recites that the standoff portions protrude inwardly toward the container from the divider members, which is not shown in Gale. Claim 34 also recites that each standoff portion has a container contact surface spaced from corresponding divider members and generally transverse to the upper surface of the bottom panel, which is not shown in Apps. Therefore, new claim 34 is patentably distinguished over these references.

Respectfully submitted,

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